

Message Text

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ACTION STR-07

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 EA-10 ARA-10
AGRE-00 CEA-01 CIAE-00 COME-00 DODE-00 EB-08
FRB-03 H-01 INR-10 INT-05 L-03 LAB-04 NSAE-00
NSC-05 PA-01 CTME-00 AID-05 SS-15 ITC-01 TRSE-00
ICA-11 SP-02 SOE-02 OMB-01 DOE-15 /146 W
-----051010 072011Z /64

P R 071650Z JUL 78
FM AMEMBASSY ROME
TO SECSTATE WASHDC PRIORITY 4077
INFO EC COLLECTIVE
USMISSION GENEVA

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USEEC ALSO FOR EMBASSY, USMTN

E.O. 11652: N/A
TAGS: ETRD, GATT
SUBJECT: COMMERCIAL COUNTERFEITING

REF: STATE 167575

1. EMBASSY HAS RAISED COMMERCIAL COUNTERFEIT ISSUE AND IMPORTANCE U.S. GOVERNMENT ATTACHES TO INCLUDE AGREEMENT IN MTN WITH MINISTRY OF FOREIGN TRADE (MFT) AND MINISTRY OF FOREIGN AFFAIRS (MFA). IN JULY 4 CONVERSATION WITH ECMIN, NEW MFT DG FOR COMMERCIAL AGREEMENTS REACTED VERY POSITIVELY TO U.S. PROPOSAL. IN MORE SUBSTANTIVE CONVERSATION WITH COMMERCIAL COUNSELOR MFA REP NIGIDO(DIRECTOR FOR GATT AND EC AFFAIRS) READILY AGREED ON IMPORTANCE OF ISSUE, INDICATED SOME PUZZLEMENT OVER BRINGING MATTER INTO MTN WITH SUCH SHORT DEAD LINE, AND EXPRESSED INTENTION TO STUDY MATTER CAREFULLY (HE SAID HE WOULD REFER IT TO MFA INTELLECTUAL PROPERTY OFFICE FOR IMMEDIATE STUDY). DURING COURSE
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OF NEXT WEEK, MFA WILL SUBMIT VIEWS DIRECTLY TO ITALIAN DELEGATION IN BRUSSELS FOR COORDINATION WITH EC COUNTRIES. THE ITALIANS ALSO POINT OUT THAT US PROPOSAL MAY HAVE IMPLICATIONS FOR AGREEMENT TO ESTABLISH A CENTRAL EC OFFICE FOR PATENTS IN MUNICH, GERMANY, WHICH IS IN FINAL PHASE OF NEGOTIATIONS. THEY WILL COMMUNICATE ANY FURTHER COMMENT PROMPTLY TO THEIR

BRUSSELS DELEGATION.

2. UNLIKE THE UNITED STATES, NO LEGISLATION OR PROCEDURES EXIST IN ITALY WHEREBY A TRADEMARK REGISTERED WITH THE ITALIAN PATENT OFFICE MAY BE RECORDED WITH THE MINISTRY OF FINANCE SO AS TO ENABLE ITALIAN CUSTOMS OFFICERS PER SE TO PREVENT IMPORTATION OF COUNTERFEIT ARTICLES. HOWEVER, ITALIAN LEGISLATION DOES PROVIDE FOR SEIZURE OF GOODS UNDER GIVEN CIRCUMSTANCES. IF GOODS BEAR A TRADEMARK THAT COUNTERFEITS A TRADEMARK REGISTERED IN ITALY, SUCH GOODS CAN BE SEIZED IF THE HOLDER OF THE TRADEMARK TAKES ACTION BEFORE A LOCAL COURT. THUS, SEIZURE CAN TAKE PLACE AT PORT OF ENTRY OR AFTER IMPORTATION, BUT MUST BE PRECEDED BY A PETITION IN COURT UNDERTAKEN BY A COMPLAINANT.

3. RE FORFEITURE, IN GENERAL ITALIAN LEGISLATION PROVIDES FOR FORFEITURE OF GOODS USED IN CONNECTION WITH, OR REPRESENTING THE OBJECT OF, CRIMINAL ACTIVITY. FORFEITURE PROCEDURES ARE ALSO APPLIED BY ITALIAN CUSTOM OFFICERS IN ALL CONTRABAND CASES, INCLUDING MINOR VIOLATIONS (SUCH AS FAILURE TO DECLARE FOREIGN ARTICLES UPON ARRIVAL IN ITALY) WHICH OCCUR FREQUENTLY AT ALL ITALIAN PORTS OF ENTRY. GARDNER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COUNTERFEITING
Control Number: n/a
Copy: SINGLE
Draft Date: 07 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780785/aaaactvs.tel
Line Count: 85
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Litigation Codes:
Litigation History:
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Original Classification: LIMITED OFFICIAL USE
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2086086
Secure: OPEN
Status: NATIVE
Subject: COMMERCIAL COUNTERFEITING
TAGS: ETRD, GATT
To: STATE
Type: TE
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